

(Additional counsel on following page)

JESSICA R. PERRY (SBN 209321)

jperry@orrick.com

MELINDA S. RIECHERT (SBN 65504)

mrieichert@orrick.com

ORRICK, HERRINGTON & SUTCLIFFE LLP

1000 Marsh Road

Menlo Park, CA 94025-1015

Telephone: +1 650 614 7400

Facsimile: +1 650 614 7401

KATHRYN G. MANTOAN (SBN 239649)

kmantoan@orrick.com

ORRICK, HERRINGTON & SUTCLIFFE LLP

The Orrick Building

405 Howard Street

San Francisco, CA 94105-2669

Telephone: +1 415 773 5700

Facsimile: +1 415 773 5759

Attorneys for Defendant

Apple Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ASHLEY GJOVIK,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 23-cv-4597-LB

**[PROPOSED] ORDER GRANTING
DEFENDANT APPLE INC.'S MOTION
TO STRIKE PORTIONS OF
PLAINTIFF'S SECOND AMENDED
COMPLAINT**

Dept: Courtroom 5, 17th Floor
Judge: Honorable Edward M. Chen
Date: February 29, 2024
Time: 1:30 p.m.

1 KATE E. JUVINALL (SBN 315659)
2 kjuvinall@orrick.com
3 ORRICK, HERRINGTON & SUTCLIFFE LLP
4 631 Wilshire Blvd., Suite 2-C
5 Santa Monica, CA 90401
6 Telephone: +1 310 633 2800
7 Facsimile: +1 310 633 2849

8 RYAN D. BOOMS (SBN 329430)
9 rbooms@orrick.com
10 ORRICK, HERRINGTON & SUTCLIFFE LLP
11 1152 15th Street, N.W.
12 Washington, D.C. 20005-1706
13 Telephone: +1 202 339 8400
14 Facsimile: +1 202 339 8500

15 Attorneys for Defendant
16 Apple Inc.
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Pending before the Court is Defendant Apple, Inc.’s Motion to Strike Portions of Plaintiff’s Second Amended Complaint. Having considered the relevant papers and pleadings on file with the Court in this matter, as well as the arguments of counsel, the Court **GRANTS** Defendant’s Motion and **STRIKES** the following allegations from Plaintiff’s Second Amended Complaint pursuant to Federal Rule of Civil Procedure 12(f). The allegations are immaterial and unnecessary to the claims remaining after the Court granted Defendant’s Motion to Dismiss, which are Claims 7-12 of the Second Amended Complaint:

- Compl. ¶1, line 3 (“through a criminal enterprise), and lines 14-16 (starting with “Gjovik was terminated the day before...”)
- Compl. ¶2, lines 19-20 (“which also implicated racketeering and securities fraud concerns”)
- Compl. ¶3, lines 27-12 (starting with “Gjovik first attempted...”)
- Compl. ¶¶4-5
- Compl. ¶6 (everything except “This Court has [] Diversity Jurisdiction over these claims”)
- Compl. ¶¶9, 15-16, 18-19
- Compl. ¶20, lines 6-12 (starting with “The 9th Circuit...”)
- Compl. ¶¶21-30, 32-47, 49-59, 66-70, 72-73, 90, 96, 99-101, 103, 108-29, 147-55, 157, 159-68, 170, 191-93, 196-212, 262, 270, 274-76, 279-80, 288, 336-40, 406, 412, 414-15, 419, 429-32, 435, 440, 442, 444-46, 455-59, 462-63, 467, 469, 472, 474-76, 478, 481, 487-88, 490-91, 495-96, 504-06, 516, 527-38, 544, 553-89, 593-99, 601-16, 619-23, 625-37, 639-52, 654-65, 667-77, 679-81, 683, 685, 687-93, 696-736, 739-42, 751-1187, 1241-1247, 1413-1416
- Compl. ¶1530, lines 26-18 (starting with “Gjovik complained about...”)
- Compl. ¶¶1518-19, 1528-29, 1531, 1533, 1545, 1559-61, 1588-94
- Appendices I-III
- Footnotes 16, 89, 98, 132-39, 142, 145, 147, 151-52, 157, 283, 287-291, 293-97, 814-37, 840, 842-64, 865-78, 884-905, 908-16, 919-20, 923-24, 927-28, 931, 941-

1 55, 960-63, 967-70, 973-76, 978-94, 996, 998-1001, 1004-24, 1026-29, 1031, 1037-
2 42, 1044-46, 1048-72, 1078-80, 1082-1104, 1110-74, 1177-80, 1186-98, 1203-05,
3 1207, 1210, 1222, 1239, 1242, 1243-44, 1252, 1254-55, 1260, 1270, 1273-76, 1286-
4 1319

5 Accordingly, the Court **STRIKES** these allegations from the Complaint.

6 **IT IS SO ORDERED**

7 Dated: _____

8 HON. EDWARD M. CHEN
9 U.S. DISTRICT COURT JUDGE
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